

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA

§

v.

§

NO. DR-21-CR-189-ADA

JOSE PUALA-FLORES

§

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ORDER

Before the Court is Defendant Jose Puala-Flores's Motion for Reduction in Sentence Pursuant to 18 U.S.C. § 3582(c)(1)(A). ECF No. 28. Defendant has failed to comply with the statutory exhaustion requirement. Defendant's sentence-reduction motion must come "after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such request by the warden of the defendant's facility, whichever is earlier." § 3582(c)(1)(A). Compliance with this requirement is mandatory. *United States v. Franco*, 973 F.3d 465, 468 (5th Cir.), *cert. denied*, 141 S. Ct. 920 (2020). Because the Government raised this rule, this Court must enforce it.

Here, Defendant did not submit a request to the warden of his facility asking that the BOP move on Defendant's behalf for a sentence reduction. ECF No. 29-2 Defendant has failed to exhaust. *See Franco*, 973 F.3d at 468–69. Accordingly, Defendant's Motion is premature and must be denied. Defendant may re-file his motion after he properly exhausts his administrative remedies.

It is therefore ORDERED that Defendant's Motion is DENIED WITHOUT PREJUDICE.

SIGNED this 22nd day of July, 2022.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE